

Minutes of an Adjourned Meeting of the Town Board of Riverhead, held in the Town Hall, Riverhead, New York, on Thursday, July 14, 1977 at 10:00 A.M.

Present:

Allen M. Smith, Supervisor
George G. Young, Councilman
Francis E. Menendez, Councilman
John Lombardi, Councilman
Jessie Tomlinson, Councilwoman

Also present: Peter S. Danowski, Jr., Town Attorney

Supervisor Smith called the Meeting to order at 10:00 A.M.

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined bills submitted on Abstracts dated July 5, 1977 as follows:

General Town	\$12,476.24
Highway Item #1	\$14,348.84
Highway Item #3	\$30,581.31
Highway Item #4	\$ 655.20
Capital Projects	\$ 14.00
Special Districts	\$10,778.17

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the bills submitted on Abstracts dated July 5, 1977, as follows, be approved for payment.

General Town	\$12,476.24
Highway Item #1	\$14,348.84
Highway Item #3	\$30,581.31
Highway Item #4	\$ 655.20
Capital Projects	\$ 14.00
Special Districts	\$10,778.17

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith: "Mrs. Miller, I apologize for our shaky start this morning. In that what you request is the blocking of a public street, as I understand it, we must ob-

Supervisor Smith continued:
serve certain formalities and waive certain other ones - okay.

Would you step up to where the Town Attorney is, to that microphone and he'll help you turn it on and tell us for the record your name, and your address so that Mrs. Edwards can take the same down and then tell us exactly what you're talking about."

Mrs. Fran Miller, 31 Laurin Road, Calverton; "All we want to do is block the street so we can have a block party."

Supervisor Smith: "Mrs. Miller is Laurin Road off of Kay Road?"

Mrs. Fran Miller: "It's around the corner. It's like a circle."

Supervisor Smith: "Now how long - what periods of time?"

Mrs. Fran Miller: "From maybe three in the afternoon till I don't know when. It's going to end at night."

Supervisor Smith: "You've got to give us some idea."

Mrs. Fran Miller: "Three to eleven or twelve."

Supervisor Smith: "Shall we say - is this block party involving everybody in the neighborhood, just certain families, what is it?"

Mrs. Fran Miller: "Well mostly everybody on Laurin Road. Kay Road was invited, but nobody's coming."

Supervisor Smith: "Laurin Road is the road closest to the sod farm."

Mrs. Fran Miller: "Right."

Supervisor Smith: "Three to eleven."

Mrs. Edwards, Deputy Town Clerk: "Do you have the date on that?"

Supervisor Smith: "It's this Saturday, right Mrs. Miller? Do you have saw horses or road blocks, or something like that? You've got road barricades and all that?"

Mrs. Fran Miller: "Yes, right."

Supervisor Smith: "All right. Mrs. Miller if you'd have a seat please.

Mr. Danowski, would you call the Chief of Police and

RESOLUTIONS

find out where he is, and what he thinks about this."

At this time, Councilman John Lombardi appeared at the meeting.

Supervisor Smith: "Chief it's proposed to have a block party on Laurin Road and they want to close off the street from 3 p.m. to 11 p.m. and this is one of the roads off of Kay Road up in Calverton. Do you see any difficulties in that?"

Chief Palmer: "We have no objections."

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That pursuant to the Code of the Town of Riverhead and such other Town Ordinances that may be applicable, permission is hereby granted to the residents of Laurin Road to hold a Block Party from 3 p.m. to 11 p.m. on Saturday, July 16, 1977

FURTHER RESOLVED, That Laurin Road be closed to traffic from 3 p.m. to 11 p.m.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith: "We have in the packet ladies and gentlemen resolution with reference to Beach Attendants."

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, Eugene Mallon was appointed Beach Attendant effective June 25, 1977 to and including September 5, 1977, and

WHEREAS, Eugene Mallon has indicated his inability to serve,

BE IT THEREFORE RESOLVED, That the appointment of Eugene Mallon made in a Town Board Resolution under date of June 21, 1977 be and is hereby rescinded, and be it

FURTHER RESOLVED, That Harold Winfield Downs be appointed Beach Attendant effective July 9, 1977 to and including September 5, 1977, to be paid bi-weekly at the hourly rate of \$2.75 and to serve at the pleasure of the Town Board.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

Supervisor Smith: "I have a fund transfer occasioned by the fact that the County of Suffolk has not yet reimbursed us on the Community Development Funds. What we're talking about here is the advancing of General Town monies that we will be reimbursed for, by the County of Suffolk under our Consortium Agreement."

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the Supervisor be, and he hereby is, directed to transfer Ten thousand and 00/100 (\$10,000) Dollars from General Town Contingent Account A 1990.400 to Community Development Fund.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

COMMUNICATION

Lions Club of Jamesport, dated 7/9/77. Asking permission from the Town Board to use the school grounds to hold Annual Chicken Barbecue on Saturday, July 23, 1977 at the Jamesport School Grounds. Filed.

OPEN BID REPORT

After being duly advertised the following bids for the repair of damaged recreation parking areas were opened by the Deputy Town Clerk on Thursday, July 14, 1977 at 10:00 A.M.

PAUL CORAZZINI & SONS, INC.
235 6th Avenue
Greenport, New York 11944

Base Bid Proposal (lump sum) Twenty Six Thousand Seven Hundred Eighty (\$26,780.00) Dollars.

We propose to complete the work, ready for final acceptance within 15 calendar days after notice of award.

BID BOND ENCLOSED

COLLUSION CERTIFICATE ENCLOSED Filed.

EAST END ASPHALT, INC.
Jamesport, New York 11947

Base Bid Proposal (lump sum) Forty Three Thousand Five Hundred Eighty Three (\$43,583.00) Dollars.

OPEN BID REPORT - continued

We propose to complete the work, ready for final acceptance within 45 calendar days after notice of award.

BID BOND ENCLOSED

COLLUSION CERTIFICATE ENCLOSED.

Filed.

RAYMOND O. WELCH
1064 Woodcrest Avenue
Riverhead, New York 11901

Base Bid Proposal (lump sum) Sixty Six Thousand and no/100
(\$66,000.00) Dollars.

We propose to complete the work, ready for final acceptance within 45 calendar days after notice of award.

BID BOND ENCLOSED

COLLUSION CERTIFICATE ENCLOSED

Filed.

RESOLUTIONS

Supervisor Smith: "Mr. Danowski have you examined those permit applications for Wading River Fire District and the Jamesport Lions or the Jamesport Lions and the Jamesport Fire District."

Peter S. Danowski, Jr., Town Attorney: "Right. Those are the ones that you had a note attached saying that they have to make a separate application pursuant to Town Code and I advised Miss Block of that fact and she had sent out pursuant to my request the application form and the Section of the Code to which it applied and I haven't received back that application."

Supervisor Smith: "Can we deem the application made to the Chief sufficient for the purposes of today."

Peter S. Danowski, Jr., Town Attorney: "We can and I'll prove them as they were stated. The Code just talks about substantial compliance and it talks about a suggested form."

Supervisor Smith: "So we have the Wading River Fire District and we have the Jamesport Lions or the Jamesport Fire District?"

RESOLUTIONS - continued

Councilwoman Tomlinson: "Jamesport Fire District."

Supervisor Smith: "The Lions are also asking for permission as I understand it to use a Recreation Area and that's fairly soon, isn't it?"

Peter S. Danowski, Jr., Town Attorney: "That's right. that's the one which Mrs. Miller raised her request that perhaps we could lower the insurance requirement - although it's not a requirement of the Code. Apparently last year they were required one million dollars worth of insurance and the Code only calls for a sum much less than that."

Supervisor Smith: "Would you please find whether it's two or whether it's three and let's pass those today."

Peter S. Danowski, Jr., Town Attorney: "It's only two that I know of. The other one was oral - the one on Jamesport Lions."

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

BE IT RESOLVED, That the Town Board grants permission to the Jamesport Lions Club to hold their 9th Annual Barbecue on Saturday, July 23, 1977 at the Jamesport School grounds on the corner of Main Road and South Jamesport Avenue, and

FURTHER RESOLVED, That the Jamesport Lions Club procure Liability Insurance in the amount of One Million (\$1,000,000.00) Dollars on behalf of the Town of Riverhead.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the Bid for the repair of damaged recreation parking areas be and is hereby awarded to Paul Corazzini & Sons, Inc., 235 Sixth Avenue, Greenport, New York 11944 for the cost of \$26,780.00, and

FURTHER RESOLVED, That the acceptance of this Bid is subject to the plans and specifications filed in the Office of the Town Clerk.

The vote, Lombardi, Yes, Tomlinson, Abstained, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the Town Clerk be and is hereby authorized and directed to enter the following enacted amendments to Chapter 101 "Vehicle and Traffic" of the Code of the Town

RESOLUTIONS - continued
 of Riverhead in the minutes of the Town Board and to publish a copy thereof in the News Review and to post a copy of said change on the bulletin board and insert said copy in the Town Ordinance book as maintained by the Town Clerk, all pursuant to New York State Law.

PUBLIC NOTICE

PLEASE TAKE NOTICE That a public hearing having been held on June 21, 1977, to hear all interested persons,

NOW, THEREFORE, be it

RESOLVED, That the following amendments to Chapter 101 "Vehicle and Traffic" of the Code of the Town of Riverhead are hereby enacted and adopted as follows:

By adding the following new matters as underlined:

"§ 101-4 One Way Streets

<u>Street</u>	<u>Direction</u>
<u>Driveways at</u>	<u>East</u>
<u>Roanoke Shopping</u>	<u>(Exit only)</u>
<u>Plaza leading to</u>	
<u>and from Roanoke</u>	
<u>Avenue</u>	
<u>Driveways at</u>	<u>North</u>
<u>Roanoke Shopping</u>	<u>(Entrance only)</u>
<u>Plaza leading to</u>	
<u>and from Route 58</u>	

Said amendments shall become effective ten (10) days after publication and posting.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, Pursuant to a resolution dated June 21, 1977, a public hearing was held on July 5, 1977, to consider proposed Local Law No. 4 of 1977,

NOW THEREFORE, BE IT RESOLVED, That Local Law No. 4 of 1977, be enacted by the Town Board of the Town of Riverhead, as follows:

PUBLIC NOTICE

I, HELENE M. BLOCK, TOWN CLERK, TOWN OF RIVERHEAD, NEW YORK, HEREBY CERTIFY that the Local Law annexed hereto, designated as Local Law No. 4 of 1977 of the Town of Riverhead, was

RESOLUTIONS - continued
duly passed by the Town Board on July 14, 1977:

A Local Law to amend Chapter 95 "Taxation", Section 95-3B of the Code of the Town of Riverhead.

LOCAL LAW NO. 4

Amend Section 95-3B of Chapter 95 TAXATION to read as follows (new material underscored):

"B. The income of the owner or the combined income of the owners of the property must not exceed the sum of seven thousand two hundred dollars (\$7,200.00) for the income tax year immediately preceding the date of making application for exemption. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest dividends, rental income, salary or earnings and income from self-employment, but shall not include gifts or inheritances."

I, FURTHER CERTIFY that such Local Law is correct and that all proper proceedings have been taken for its enactment in accordance with the applicable provisions of Law.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

After the vote, Supervisor Smith stated: "But I'm worried about our tax base and the granting of any of these exemptions - whether it be to the farmers, the aged, to the young or to the old we just have to concentrate getting more tax dollars on the tax base or those of us who do not have exemptions - in other words - the middle class - middle aged persons will not be able to afford to live in this community."

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

BE IT RESOLVED, That the Town Board grants permission to the Jamesport Fire Department to hold a Carnival-Bazaar from August 9th thru August 14th, 1977 at the Jamesport School grounds on the corner of Main Road and South Jamesport Avenue, from 6:00 p.m. to 11:00 p.m. daily, and

FURTHER RESOLVED, That the Jamesport Fire Department procure Liability Insurance in the amount of One Million (\$1,000,000.00) Dollars on behalf of the Town of Riverhead.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

Supervisor Smith then stated: "There's an application by the Wading River Fire Department and the date of this one is September 3 or September 4 - that's rather extensive and deals essentially with the blocking of Parker Road for a considerable part of the day. Also it involves a parade.

We will deem this application to the Chief of Police to also be an application for assembly permit under our ordinance and shall we then also deem it an application for the use of Parker Road for the conducts of tournaments, etc., and again both of these applications - Jamesport and Wading River will be on the stipulation of the requisite insurance especially the one from Wading River naming the Town of Riverhead as insured against liability for a million dollars."

Councilwoman Tomlinson: "What's going to happen to the people on Parker Road that day? How are they going to be able to go in and out?"

Chief Palmer: "They'll be able to get in and out. The actual tournament will be east of the development and just west of - actually there's nobody living in the area."

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That pursuant to the Code of the Town of Riverhead and such other Town Ordinances that may be applicable, permission is hereby granted to the Wading River Fire Department to hold a Tournament on September 3rd or September 4th, 1977 from 6:00 P.M. to completion of the Tournament, and

RESOLVED, That Parker Road be closed to traffic from 6:00 P.M. to completion of this Tournament, and

FURTHER RESOLVED, That the Wading River Fire Department procure Liability Insurance in the amount of One Million (\$1,000,000.00) Dollars on behalf of the Town of Riverhead.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the meeting for 15 minutes after which the meeting reconvened.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, By resolution of this Town Board, a map was prepared by Young and Young, dated May 5, 1977, for the acquisition of certain properties situate at Riverhead, Suffolk County, New York, for public purposes, including but not limited to slum clearance

WHEREAS, Pursuant to law, notice was published that this Board would hold a hearing in respect to such map on the 5th day of July, 1977 at 8:15 P.M., prevailing time, at which time a reasonable opportunity was given to all interested persons to make objections thereto or suggest changes therein, and

RESOLUTIONS - continued

WHEREAS, There appeared no reason to alter said map
NOW, THEREFORE, BE IT

RESOLVED, That the map prepared by resolution of the
Town Board and filed in the Suffolk County Clerk's Office
under Index No. 77-10145 on the 7th day of June, 1977, be and
hereby is approved and adopted and that the Town Clerk cause
to be filed with the Suffolk County Clerk's Office under said
Index No. a certified copy of this resolution, and be it
further

RESOLVED, That the Town Attorney be and he hereby is
authorized and directed to proceed with the condemnation of
the property shown on said map.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez,
Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution
which was seconded by Councilman Young.

RESOLVED, That after being duly advertised the following
abandoned vehicles have been sold at a public auction on July
12, 1977 as follows:

		<u>COLOR</u>		<u>BIDDER</u>	<u>AMOUNT</u>
1972	Volvo	Blue	1443363292083	Louis M. Serio	\$200.00
1962	Chev.	Blue	20411G142007	Fred Gallo	\$ 30.00
1968	Chev.	Green	136698B170925	Fred Gallo	\$ 25.00
1966	Chev.	Yellow	168376T203301	Louis M. Serio	\$ 15.00
1958	Chev. Pickup	Black	3A59F11788	Louis M. Serio	\$ 50.00
1966	Olds.	Green	38669M101018	Fred Gallo	\$ 10.00
1965	Chev.	Green	133695G141268	Louis M. Serio	\$ 25.00
1968	Chev.	Green	124378N395777	Louis M. Serio	\$100.00
1963	Pont.	Blue	363L39046	Fred Gallo	\$ 25.00
1969	Chev.	Tan	164699S018703	Fred Gallo	\$140.00
1969	Dodge.	Red.	LP23B9B124553	Louis M. Serio	\$100.00
1970	Pont.	White	2526902122500	Mike Gallo	\$ 30.00
1961	Merc.	Blue	1E52W516969	Fred Gallo	\$ 30.00
1969	Ford	Blue	9H46R190990	Milton Nielson	\$275.00
1963	Linc.	Maroon	3Y82N424559	Fred Gallo	\$ 35.00
1965	Pont.	White	233275P638694	William T. Snyder	\$ 50.00
1966	VW	White	116672027	Fred Gallo	\$ 40.00
1969	Dodge	Red	XP29F9B110095	John W. Case	\$300.00
1966	Chev.	White	156116T134942	Walter McKay	\$ 85.00
1964	Chev.	White	41869T101845	Fred Gallo	\$ 35.00
1963	Peugeot	White	-----	Mike Gallo	\$ 15.00
TOTAL SALE					<u>\$1,615.00</u>

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes,
Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, The Riverhead PBA has filed a grievance with the Town Board of the Town of Riverhead with reference retro-active effect of the arbitrators award with reference to holiday pay, etc.,

BE IT RESOLVED, That the Town Board in granting of such grievance will not exceed the cost of \$1,000 based upon an analysis of preliminary figures done by the Accountant.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith: "The Town Board has heretofore solicited bids with reference to construction at the Morell site. There is in the Community Development Budget a portion which is reimburseable from the County of Suffolk to the amount of \$1,900. In examination of the bid, it is recommended that the portion with reference to topsoil for \$1,500 be deducted and a portion of the railing \$250, be deducted leaving us with a total contract price of \$20,750. This contract price might be further reduced by change order, but we have sufficient monies that we transferred into that particular budget at this time in General Town Funds so that we would be investing approximately \$1,750 of General Town Funds in this project should we not be able to reduce the price further."

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the Bid for Peconic Avenue Construction and Demolition work at Riverhead be and is hereby awarded to Chesterfield Associates, 427 East Main Street, Westhampton Beach, New York 11778 for the cost of \$20,750.00, and

FURTHER RESOLVED, That the acceptance of this Bid is subject to the plans and specifications filed in the Office of the Town Clerk.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

R I D E R

WITNESSETH this 14th day of July, 1977, AGREEMENT between THE TOWN OF RIVERHEAD, and the RIVERHEAD UNIT OF THE SUFFOLK CHAPTER CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., to amend an agreement originally entered into the 6th day of January, 1975, which agreement was further amended by a rider witnessed on the 19th day of April, 1977, according to the following terms only:

RESOLUTIONS - continued

ARTICLE I, RECOGNITION, subdivision "1." is hereby amended to read as follows:

1. The Town recognizes the Riverhead Unit of CSEA as the sole and exclusive representative of (A) All permanent full time employees of the Town, (except employees of the Police Department and Superintendent Water District, Superintendent Sewer District, Recreation Superintendent, Chief Building Department, Town Attorney, Legal Secretary, Confidential Secretary to Town Supervisor and Financial Administrator) who are employed in the following titles: Laborer, AEO, CEO, HEAO, Treatment Plant Operator (sewer and water), Maintenance Man, Court Clerk, Senior Clerk-Typist, Clerk-Typist, Senior Clerk, Clerk, Stenographer, Senior Stenographer, Recreation Aide, Groundsman (Park and Recreation), Bookkeeper, Building Inspector and Account Clerk, Maintenance Man Foreman (sewer and water) Laborer Foreman, Head Groundsman and Automotive Mechanic Foreman, and all permanent part time employees in the above titled, who work three or more days per week and whose schedule is not less than twenty (20) hours per week on a "regular basis." A "regular basis" shall mean that an employee is scheduled to work fifty-two weeks per year.

2. The following persons have agreed to be management and confidential and, accordingly, are not represented by the Riverhead Unit of the CSEA:

Zahn Williamson
Clement Petraszewski
Stanley Grodski
Raymond Wiwczar
Peter S. Danowski, Jr.
Margaret Joan O'Hara
John J. Hansen
Secretary to Town Attorney when position is filled.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, The Town Attorney has submitted to the Town Board a revision of an agreed statement of facts with reference to H. O. Penn vs. the Town of Riverhead

BE IT RESOLVED, That the Town Attorney be directed to file said agreed statement of facts in this controversy.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

PERSONAL APPEARANCES

Supervisor Smith: "We have a request for an informal opinion by Mr. Tommasini with reference to putting a trailer on Main Street where the parking meters are. And it is the consensus of the Town Board that we do not grant any special permission for the use of meter parking spaces for the purpose during sale days. I think it's fair to say that the suggestion of the Town Board is if he wants to put his trailer some place, let him put it down in the parking lot or on the first street parking lot where there's plenty of room. Is that fair? No objections to that - that's the consensus of the Town Board."

Sir, you have been sitting here patiently, do you want to address the Town Board or are you just waiting?"

John Bellissimo: "(inaudible)."

Supervisor Smith: "Yes Sir, you can address the Town Board by stepping up here sir and giving your name and address to Mrs. Edwards."

John Bellissimo, Broadview Circle, Wading River; "There seems to be a little problem with zoning with a hot dog stand and I think there's a misinterpretation of the zoning rule by Mr. Wiwczar. He says that if I park on private property I have to get a zoning variance. I agree with him if I stayed there, but the vehicle is mobile. It has wheels on it, it has a New York State License plates, and New York State inspection. I don't think the Building Department gets involved with that."

Supervisor Smith: "Mr. Bellissimo I spoke to a gentleman named Palmer the other day, I don't know if this is the same peddler of same location. Specifically with reference to the actions of Mr. Wiwczar if you wish to appeal those - you appeal to the Zoning Board of Appeals and not to the Town Board okay. But with reference to what I said to Mr. Palmer, I will repeat it to you. Stamen Building Supply has come in before the Town Board for a special permit. A special permit granted to Stamen Building Supply was for the wholesale sale of lumber - not for a restaurant, not for hot dogs, not for - some other examples I think I gave to Mr. Palmer the other day. Our problem is with Stamen Building or Midal Muffler, or Burger King or any other place. People come in with site plans, and special permit approvals. They show parking - we have a fair idea of the activity that they wish to perform at that particular location. Wholesale lumber does not involve - to take it to the extreme - McDonald's wrappers, paper, sanitary facilities and all the other things that are necessary for a fast food vending type of operation. So we do not consider those things when we grant a special permit."

What Mr. Wiwczar is saying, is when the use gets changed from the wholesale sale of lumber to the wholesale sale of lumber and the sale of hot dogs. We are talking about two dif-

PERSONAL APPEARANCES - continued

ferent creatures, and I have said to Mr. Palmer if he wishes to come in and amend his special permit for the wholesale sale of lumber to include this kind of a use and specify what's going to happen exactly, he can do so. If not, quite frankly, Stamen Building is in violation of it's special permit to operate the wholesale lumber business and I think what Mr. Wiwczar is trying to do is avoid the necessity of issuing a summons to Stamen which would be the logical consequence if we cannot resolve this thing."

John Bellissimo: "Well I do not know where the Building gets involved in something that's mobile. In other words if I parked on a vacant lot. . ."

Supervisor Smith: "Doctor Menendez and I have seen the location, Sir, you are not peddling. You are sitting - you are vending there all day."

John Bellissimo: "Well the law also says that I'm not allowed to vend on a Highway, can you tell me where I can vend?"

Supervisor Smith: "He can vend on a highway with a vendor's permit."

Mrs. Edwards, Deputy Town Clerk: "He did not get a peddler's permit in our office."

Supervisor Smith: "You don't have a peddler's permit?"

John Bellissimo: "That's right. I didn't get it yet because I came in yesterday to get it and I wasn't going to invest another \$50.00 into this thing and find out that I'm not allowed to peddle in the Town of Wading River."

Supervisor Smith: "He can peddle, right?"

Councilman Young: "You have to stay 1500 feet away from the nearest store."

John Bellissimo: "I realize that."

Councilman Young: "Aside from that. . ."

Unidentified man: "Not on the state highway - county and town yes, but he has to keep moving."

Supervisor Smith: "Peddling means peddling."

John Bellissimo: "And if I'm on private property?"

Supervisor Smith: "You're in zoning then, which is the Building Department."

PERSONAL APPEARANCES - continued

John Bellissimo: "But I'm moving, I don't stay there over night. I park there during the day and leave at night."

Supervisor Smith: "Well there are many uses in this community Sir, that are not open at night and they are uses."

John Bellissimo: "They are uses right."

Supervisor Smith: "We've heard Tommasini's kitchen - I mean Tommasini's kitchen is not open at night. That does not change the use."

John Bellissimo: "I understand what you're saying. If I took that thing off the wheels and parked it there, then I should get a zoning variance, because now we're changing the parking lot. But this is something that I roll up over there - I park over there and we sell hot dogs."

Supervisor Smith: "Why don't you take it to the Zoning Board of Appeals. Maybe they have a different interpretation than us which is the zoning thing. I don't happen to concur with you, I happen to believe that under your theory we could take Stamen Building Supply and have a carnival there everyday."

John Bellissimo: "I agree with you, but you have to be realistic about the whole thing."

Supervisor Smith: "And it's beginning to get out of hand in this community. Now if you want to peddle such as the Good Humor Man - peddle."

John Bellissimo: "But it's not realistic to peddle hot dogs because you can't drive with hot water in there and everything inside the truck."

Supervisor Smith: "Every once in a while, I used to get my coffee from a guy named Woodson and he peddles and he has hot dogs."

John Bellissimo: "And he doesn't park anywhere."

Councilman Young: "You run into another problem too. The guy down the street has got a store - he's selling hot dogs and coffee and he's paying taxes. You're in a mobile thing - you don't have to pay taxes."

John Bellissimo: "The closest store is one mile away."

Councilman Young: "Well, no I'm saying that you have an unfair - by the fact that you don't have to pay taxes."

John Bellissimo: "Well I do pay taxes in this Town."

PERSONAL APPEARANCES - continued

Councilman Young: "Well I mean for your business - you're not paying taxes - you got a mobile business - you buy a license. So your business should be confined to where a license operates - a license operates on the road."

John Bellissimo: "Well then what you're saying is then - then I shouldn't get a peddler's permit and I shouldn't peddle in the Town of Riverhead."

Councilman Young: "You should get a peddler's permit and stay on the road."

John Bellissimo: "I can't stay on the road and comply with the Board of Health Regulations."

Supervisor Smith: "That's not the Town of Riverhead. If you've ever listened to me and my complaints with reference to the Board of Health of the County of Suffolk - you have found a friend. It's a little inane that the hot dog stands got to have a toilet, but that complaint Sir, is with the County of Suffolk not with us."

John Bellissimo: "Well somewhere along the line I should have been notified that the Board of Health Regulations didn't comply with Riverhead Regulations and I wouldn't have spent all the money in this thing."

Supervisor Smith: "Sir I can't tell you why you didn't come in and ask for a peddler's permit if that's in fact what you wish to do."

John Bellissimo: "Well I don't know - it just seemed like a lot of problems are being brought up for a little hot dog stand."

Supervisor Smith: "Sir, I tried to tell you and Mr. Palmer made a point of it yesterday, that we are not just picking you. The day Doctor Menendez and I went past your operation, we heard the Police Chief and his men checking peddler's licenses generally throughout the Town of Riverhead. We are not just picking on you."

John Bellissimo: "So you advise me not to get a peddler's permit and forget about the whole thing?"

Supervisor Smith: "That is up to you Sir. I'm not in the business of rendering advice. If you want an interpretation of Mr. Wiwczar's actions, we'll have one of the young men in the room take you down to the Building Department and you are entitled to ask for an interpretation of the ordinance before the Zoning Board of Appeals. They meet bi-weekly and if you file ten days in advance of their meeting, you will be on in their first meeting in August."

John Bellissimo: "That's good, thank you."

Supervisor Smith: "Does anybody have anything else with reference to the formal agenda?"

Peter S. Danowski, Jr., Town Attorney: "What about - are we going to set a hearing date on Vickie Vourakis?"

Supervisor Smith: "Has the ten days passed?"

Peter S. Danowski, Jr., Town Attoreey: "Yes."

Supervisor Smith: "There are no issues to hear then. They are deemed consented or must there be a formal hearing?"

Peter S. Danowski, Jr., Town Attorney: "There has to be a formal hearing. There's no response in writing. There's no answer filed."

Supervisor Smith: "Then there's nothing to hear, is there?"

Peter S. Danowski, Jr., Town Attorney: "I think there is just by the idea she can at the hearing orally say whatever she wishes, but the written answer I think is only the alternative."

I see no way of avoiding the hearing."

Supervisor Smith: "It seems there must be a hearing on Miss Vourakis. I've spoken to George Crusier, he is not interested in holding the hearing, but Edgar Hills will if we want to hear Edgar. Do we have any other candidates for hearing officer? Let's put off the appointment of hearing officer until Tuesday next - we better let the hearing officer select the date he wants to have the hearing."

We have a formal grievance by James Baldelli for a hearing before the Town Board that the grievance has not been resolved between Mr. Baldelli and his immediate Supervisor - the Highway Superintendent.

Mr. Scharfeld on behalf of Mr. Baldelli has asked for a formal hearing of the Town Board. We have agreed to set the hearing down for Thursday afternoon at 2:00 next week which is July 21st at 2:00 in this room."

RESOLUTION

Councilman Menendez: "There's something else. Formally or informally we have to settle Rocky's salary today."

Supervisor Smith: "You want to settle it today."

Councilman Menendez: "Yes, Sir you promised him you would."

RESOLUTIONS - continued

Supervisor Smith: "Do you want to debate it out here or do you want to debate it in the other room?"

Councilman Menendez: "Whichever way you can settle it."

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the Contract of Chief of Police, Roscoe Palmer, be and is hereby amended on the base salary of \$24,805.00. The effective date of such amendment will be as of March 1, 1977, and expires on December 31, 1977,

FURTHER RESOLVED, That the Supervisor be authorized to execute said Contract with the Chief of Police.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, Supervisor Smith declared the Meeting closed at 12:20 P.M.

Elizabeth Edwards

EE/vlv

Elizabeth Edwards, Deputy Town Clerk